Bylaw #012-26

Community Standards Bylaw

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A BYLAW OF THE CITY OF CHESTERMERE, IN THE PROVINCE OF ALBERTA, TO AUTHORIZE AND CONTROL NEIGHBOURHOOD NUSISANCE, SAFETY AND LIVABILITY IN THE CITY OF CHESTERMERE.

WHEREAS pursuant to the *Municipal Government Act, RSA 2000, c M-26* and regulations as amended, Council may pass Bylaws respecting the safety, health and welfare of people and protection of people and property;

AND WHEREAS the *Municipal Government Act, RSA 2000, c M-26*, authorizes a municipality to pass Bylaws respecting nuisances, including unsightly property;

AND WHEREAS the *Municipal Government Act, RSA 2000, c M-26,* authorizes a municipality to enact Bylaws respecting the control and operation of parks, campgrounds, athletic grounds and exhibition grounds;

AND WHEREAS the *Municipal Government Act, RSA 2000, c M-26*, authorizes a municipality to pass Bylaws regarding the remedying of contraventions of Bylaws;

AND WHEREAS it is desirable for regulations which affect neighborhood livability to be located, as much as possible, in one Bylaw;

NOW, THEREFORE THE COUNCIL OF THE CITY OF CHESTERMERE, DULY ASSEMBLED, HEREBY ENACTS AS FOLLOWS:

1. TITLE

1.1 This Bylaw may be cited as the "Community Standards Bylaw".

2. DEFINITIONS

2.1 **"Boat"** means a small open water Vehicle propelled by an engine greater than ten horsepower for use in inland waters;

2.2 **"Chief Administrative Officer"** or **"CAO"** means the Chief Administrative Officer of the City of Chestermere, Alberta appointed by Council, or their designate pursuant to the *Act;*

2.3 **"Carry on"** means to Carry on, continue, hold, keep, occupy, operate, perform, or use a thing, object or practice;

2.4 **"City"** means the municipal corporation of the City of Chestermere, in the Province of Alberta, or the area within the City of Chestermere's corporate limits, as the context requires;

2.5 **"City Employee"** means any employee of the City of Chestermere engaged in any outdoor maintenance, roads maintenance, construction or waste collection and includes seasonal employees;

2.6 **"Construction Equipment"** includes but is not limited to a backhoe, bulldozer compressor, concrete mixer, dragline, dump truck, front-end loader, gravel crusher, jack- hammer, motor grader, pneumatic drill, riveting machine truck, scraper, skid loader, steam shovel, tractor, or any other device or tool, of a noisy nature;

2.7 **"Council"** means the duly elected Mayor, and Councillors of the City of Chestermere;

2.8 **"Daytime"** means the time commencing at the hour of 7:00 a.m. and ending at 10:00 p.m. on the same day, if that day is a Weekday; or commencing at the hour of 9:00 a.m. and ending at 10:00 p.m. on the same day, if that day is a Weekend;

2.9 **"Defecate"** means to discharge waste matter from the bowels;

2.10 **"Deliver"** means the leaving or placement of Graphic Image(s) anywhere on a property or mailbox associated to a residence;

2.11 **"Disorderly Conduct"** means any activity which in the opinion of a Peace Officer, having regard for all the circumstances including the time of the day and nature of the activity, is likely to unreasonably cause disturbance, injury or annoyance to Persons or property and includes, but is not limited to:

a. occupying an area in an unruly, boisterous or disruptive manner; or
b. any other annoying or harmful occupation of property;

2.12 **"Emergency"** means an unforeseen combination of circumstances or the resulting event that requires immediate action. This includes, but is not limited to a fire, natural disaster, a motor Vehicle collision, or any other situation beyond the control of anyone, and requiring immediate action to prevent injury or death;

2.13 **"Emergency Vehicle"** means that which is defined in the *Traffic Safety Act, RSA 2000, c T-6*;

2.14 **"Feign"** means pretend to be affected by or the victim of;

2.15 **"Fetus"** an offspring of a human or other mammal in the stages of prenatal development that follow the embryo stage;

2.16 **"Fight"** means any confrontation involving violent physical contact between 2 or more people;

2.17 **"Fire Pit"** means a permanently affixed outdoor fire receptacle and/or a Portable Fire Receptacle;

2.18 **"Firearm"** means a Firearm as defined in the *Criminal Code of Canada, R.S.C., 1985, c. C-46* and the *Firearms Act of Canada, SC 1995, c.39*;

2.19 **"Flyer"** means any printed or written matter, and includes a circular, leaflet, pamphlet, paper, booklet, postcard or any other printed or otherwise reproduced matter of literature. This also includes non-commercial Flyers distributed to express an opinion on an issue or a cause;

2.20 **"Graffiti"** means any words, figures, letters, drawings or stickers applied, scribbled, scratched, etched, sprayed or attached on or to the surface of any Premises, structure, Vehicle, or other property;

2.21 **"Graphic Image"** means a visual depiction that shows or purports to show disturbing or offensive material. This includes, but is not limited to, images of violence, gore, pornography, a Fetus or any part thereof, and other potentially traumatic content;

2.22 **"Holiday"** means that which is defined in the *Interpretation Act, RSA 2000, c I-8,* as amended or replaced from time to time;

2.23 **"Litter"** means any solid or liquid materials including, but not limited to: any bottle, container, can, coal, earth, expended tobacco products garbage, glass, gravel, human or animal Excrement, the whole or part of an animal carcass or offal, manure, nails, paper, packaging, plastic, sawdust, scraps of metal, staples, tacks, refuse, rubbish, the whole or part of any article, raw or processed material, or a Vehicle or machinery of any type that is disposed of;

2.24 **"Motorized Power Tool"** means any tool or implement that is powered by an electric or internal combustion motor, or compressed air, including snow blowers, lawn mowers and motorized garden tools;

2.25 **"*Municipal Government Act*"** or **"*MGA*"** means the *Municipal Government Act, RSA 2000, c M-26* and the regulations thereunder;

2.26 **"Nighttime"** means the period beginning at 10:00 p.m. and ending the following day at:

- **a.** 7:00 a.m. if the following day is a Weekday; or
- **b.** 9:00 a.m. if the following day is a Weekend or Holiday;

2.27 **"Noise"** means any sound which in the opinion of a Peace Officer having regard for all circumstances, including the time of day and the nature of the activity generating the sound, is likely to unreasonably aggravate, annoy, detract from the comfort of, disturb or endanger Persons, and includes but is not limited to banging, loud music, shouting, and other similarly disturbing activities;

2.28 **"Non-Motorized Watercraft"** means a watercraft that is usually propelled by a single or double-bladed paddle such as a canoe or kayak, or a watercraft propelled by an engine of less than 10 horsepower;

2.29 **"Obstruct"** means to, as the context of the Bylaw requires, interfere with a class of Person, including a City Employee or a Peace Officer, who is lawfully carrying out their duties and includes, but is not limited to:

- **a.** delaying. hindering, impeding, blocking or resisting;
- **b.** causing apprehension;
- **c.** providing false or misleading information; or
- **d.** refusing to provide information where the information is required to be provided, by law,

by any means, as it relates to any activity, process, work, act, service provided by, or a duty authorized to be carried out or required by a class of Person, a City Employee or a Peace Officer;

2.30 **"Occupant"** means a person located at or in a Premises, or holding out that they are in control of a Premises, and includes a renter or tenant;

2.31 **"Open Space Area"** means any of the following:

- **a.** any land in the City which is developed, controlled, managed, leased or used by the City such as a public park, sports field, playground or recreational area, including, without restricting the generality of the foregoing, all lands in the City which are jointly controlled or managed by the City and an Educational Authority or other Government owned property for any of the purposes previously described;
- **b.** any land acquired by the City through the subdivision process as reserve or public utility lot;
- **c.** any land used as a highway buffer strip, whether on a permanent or temporary basis;

d. any land designated by resolution of Council as an Open Space Area for the purposes of this Bylaw; or
e. any land developed by the City as a Pathway;

2.32 "Owner" means:
a. a Person who is registered under the *Land Titles Act, RSA 2000, c. L-4,* as the Owner of a parcel of land;
b. a Person who is recorded as the Owner of a property on the tax assessment roll of the City of Chestermere;
c. a Person who has purchased or otherwise acquired a parcel of land, whether they purchased or otherwise acquired the land directly from the Owner or from another purchaser, and has not yet become the registered Owner thereof;
d. a Person holding themselves out as the Person having the powers and authority of Ownership of a property or Premises or who for the time being exercises the powers and authority of Ownership; or
e. a Person in possession or control of a property or Premises under construction;
f. where the context of the Bylaw requires, the registered Owner of a Vehicle where the occupants of the Vehicle have committed a contravention of this Bylaw; or
g. where the context of the Bylaw requires any Person who is described on a Sign, whose name or address or telephone number appears on a Sign, who created a Sign, who installed a Sign, who is in lawful control of a Sign or who is the subject of or otherwise benefits from the message on the Sign, and for the purposes of this Bylaw there may be more than one Owner of a Sign;

2.33 "Panhandling" means the personal, verbal or direct solicitation by a Person of gratuitous donations of money, food or goods of any kind, from any member of the public, but does not include a solicitation allowed or authorized pursuant to the *Charitable Fund-Raising Act, RSA 2000, c. C-9*, or any other legislation permitting the solicitation of charitable donations;

2.34 "Pathway" means any multiple-use path whether of asphalt, concrete, gravel or shale surface;

2.35 "Peace Officer" means a member of the Royal Canadian Mounted Police, a member of the Police of Jurisdiction, a Peace Officer as defined in the *Peace Officer Act, SA 2006, c. P-3.5* and the regulations thereof, as amended or replaced from time to time and a Bylaw Enforcement Officer as defined in the *Municipal Government Act, RSA 2000, c. M-26,* as amended from time to time;

2.36 **"Person"** means an individual or any business entity including an association, company, corporation, firm, partnership, or society;

2.37 **"Personalized Watercraft"** means a motorized recreational Vehicle normally ridden by straddling a seat. They are often referred to by names that include but are not limited to: Wave Runner, Jet Ski, or Sea Doo which are brand names owned by Yamaha, Kawasaki and Bombardier respectively;

2.38 **"Portable Fire Receptacle"** means an outdoor fire receptacle which is not permanently affixed;

2.39 **"Poster"** means a Sign which is not self supporting and is attached with its entire back surface in contact with a pole or wall or structure;

2.40 **"Premises"** means the external surface of all buildings and the whole or part of any parcel of real property, including the land immediately adjacent to any building or buildings;

2.41 ***"Provincial Offences Procedure Act"*** means the *Provincial Offences Procedure Act, RSA 2000, c. P-34,* and the regulations thereof, as amended or replaced from time to time;

2.42 **"Public Place"** means any place, including privately owned or leased property to which the public reasonably has or is permitted to have access, and shall include for the purposes of this Bylaw any Open Space Area;

2.43 **"Residential District"** means any area or district classified as residential by the current Land Use Bylaw of and for the City;

2.44 **"Sign"** means a self-supporting inscribed board, bill, placard, poster, banner, flag, or any other similar device which is intended to promote anything or inform anyone;

2.45 **"Signaling Device"** means any device that produces an audible sound used for the purpose of drawing a Person's attention, including a bell, gong, horn, klaxon or public address system;

2.46 **"Speaker System"** means any sound amplification device that converts electrical impulses into sound, whether the device is independent or incorporated into a radio, stereo, television, computer, or public address system, including any such device located in a building, Vehicle, or portable self-contained unit;

2.47 **"Spirit"** means any product that contains alcohol obtained through distillation;

2.48 **"Spit"** means to eject phlegm, saliva, chewing tobacco juice or any other substance from the mouth;

2.49 **"Urinate"** means to discharge urine from the body;

2.50 **"Vehicle"** means a device in, on or by which a Person or thing may be transported or drawn on a highway and includes a combination of Vehicle types;

2.51 **"Weekend"** means Saturday through Sunday and includes Holidays;

2.52 **"Weekday"** means Monday through Friday, inclusive, except for any Holidays; and

2.53 **"Violation Ticket"** means a summons violation ticket issued under Part 2 or Part 3 of the *Provincial Offences Procedures Act, RSA 2000, c.P-34*, as amended.

3. APPLICATION

3.1 Nothing in this Bylaw relieves a Person from complying with any provision of any federal or provincial law or regulation, other Bylaw or any requirement of any lawful permit, order, or license.

3.2 Any heading, sub-heading, or table of contents in this Bylaw are included for guidance purposes and convenience only and shall not form part of this Bylaw.

3.3 All the schedules attached to this Bylaw shall form a part of this Bylaw.

3.4 This Bylaw is gender neutral.

3.5 A copy of a record of the City, certified by a designated officer as a true copy of the original, shall be admitted in evidence as prima facie proof of the facts stated in the record without proof of the appointment or signature of the Person signing it.

4. LITTERING/UNLAWFUL WASTE VIOLATION

4.1 No Person shall:

- **a.** except in a receptacle, dispose of Litter on any portion of a Public Place;
- **b.** except in a receptacle, dispose of Litter on any portion of a Public Place from a Vehicle; or
- **c.** dispose of burning Litter on any portion of a Public Place.

4.2 No owner of a vehicle shall fail to prevent that vehicle from being used for or in relation to the improper disposal of Litter

4.3 Section 4.2 does not apply if the Owner of the Vehicle satisfies the Court that the Owner was not in control of the Vehicle, and that the Person having control of the Vehicle at the time of the offence had control of the Vehicle without the Owner's express or implied consent.

4.4 No Person shall Urinate or Defecate in any Public Place, other than a public washroom.

4.5 No Person shall Spit in any Public Place.

4.6 No Person shall place, deposit, throw upon or into any motor Vehicle, which is parked on any highway or other Public Place, any sign, leaflet, pamphlet, poster, handbill, Flyer, or any paper containing printed or written matter, whether advertising or not.

4.7 No Person shall place any sign, leaflet, pamphlet, poster, handbill, Flyer, or any paper containing printed or written matter, whether advertising or not, on any pole within the City.

4.8 The CAO or their designate may authorize any City Employee, or other Person, to remove and put in storage or destroy anything placed upon City property in contravention of this Bylaw.

4.9 A Peace Officer may remove and put in storage anything placed upon City property in contravention of this Bylaw.

4.10 Any items removed and put into storage will:

- **a.** be a fee of $50.00 dollars per day or portion thereof for storage costs; and
- **b.** are subject to the provisions of Section 610 of the *Municipal Government Act, RSA 2000, c. M-26.*

5. FIGHTING/LOITERING/DISORDERLY CONDUCT OFFENCES

5.1 No Person shall participate in a Fight in any Public Place.

5.2 No Person shall be a member of an assembly of 3 or more Persons in any Public Place where the group conflicts with each other and a Peace Officer has reasonable grounds to believe the assembly will disturb the peace of the neighborhood.

5.3 Any Person engaged in an assembly described in Section 5.2, shall disperse upon demand of a Peace Officer.

5.4 No Person shall refuse to comply with or ignore a demand made by a Peace Officer to disperse.

5.5 No Person shall loiter and thereby Obstruct any other Person in any Public Place.

5.6 No Person shall engage in Disorderly Conduct in or near a Public Place or in any location reasonably observable from a Public Place.

5.7 For greater clarity, Section 5.6 shall not be interpreted to apply to any activity that may otherwise amount to Disorderly Conduct taking place within the confines of a private dwelling house.

5.8 Any Person engaged in Disorderly Conduct shall immediately cease said Disorderly Conduct upon the demand of a Peace Officer.

5.9 No Person shall refuse to comply with or ignore a demand made by a Peace Officer to cease Disorderly Conduct.

5.10 If a Person is engaged in Disorderly Conduct within an Open Space Area as defined by this Bylaw, a Peace Officer may demand said Person to leave the Open Space Area.

5.11 No Person shall refuse to comply with or ignore a direction made by a Peace Officer under Section 5.9, and a Peace Officer shall have the authority to remove them from the Open Space Area should they refuse to leave the Open Space Area.

5.12 Except for off-highway Vehicles, no Person shall operate a motor Vehicle on the frozen lake surface unless permission has been provided in writing by the CAO.

5.13 No Person shall Obstruct a City Employee engaged in the performance of their duties in a public place.

6. PANHANDLING OFFENCES

6.1 No Person shall engage in Panhandling within the City.

7. GRAFFITI PREVENTION AND ABATEMENT

7.1 No Person shall create or apply Graffiti on or to any Premises, structure, Vehicle, or other property which is owned or occupied by another Person Section 7.1, a person may apply Graffiti provided the Graffiti is not in public view and the Person who owns or occupies the Premises, structure, Vehicle, or other property to which the Graffiti has been created or applied has given prior written approval for the creation or application of the Graffiti.

7.2 No Owner or occupier of a Premises shall fail to ensure that Graffiti placed on their Premises is removed, painted over, or otherwise blocked from public view within 72 hours of application of the Graffiti.

7.3 Despite Sections 7.2 and 7.3, the City, at the discretion of Council, may authorize the placement of Graffiti in the public view on any premises, structure or vehicle as part of a public art installation.

7.4 Where the City authorizes the placement of Graffiti in public view on private premises, it shall be with the written consent of the Owner of that private premises.

8. OPEN SPACES

8.1 The hours of operation for all Open Space Areas within the City shall be from 5:00 a.m. until 12:00 a.m. every day.

8.2 No Person shall be within an Open Space Area outside of the hours of operation referenced in Section 8.1.

8.3 A Peace Officer may demand that any Person leave an Open Space Area.

8.4 No Person shall refuse to comply or ignore a direction made by a Peace Officer under Section 8.3, and a Peace Officer shall have the authority to remove them from the Open Space Area should they refuse to leave the Open Space Area.

8.5 No Person shall:

- **a.** camp in an Open Space Area or erect a structure for the purpose of accommodation; and
- **b.** build or place any structure in an Open Space Area.

8.6 No person shall use a barbeque receptacle in an Open Space Area.

8.7 Despite Section 8.6 the use of barbeque receptacles is permitted in an Open Space Area subject to the following:

- **a.** barbeque receptacles must be electric or propane, no solid fuels or flames are permitted;
- **b.** propane tanks may not be larger than a 20-pound tank;
- **c.** barbeques will only be allowed in designated areas, limited to 1 barbeque per designated area, unless in the gazebo which allows 3 barbeques; and
- **d.** only a portable barbeque will be permitted.

8.8 No Person shall launch a Boat or Personalized Watercraft from an Open Space Area, without an exception from the CAO.

8.9 Section 8.8 shall not apply to the John Peake Park Boat launch or to Officers of a Fire Department, a Peace Officer, or an authorized City Employee.

8.10 No Person shall engage in any conduct or activity in an Open Space Area which:

- **a.** May injure any other user of an Open Space Area;
- **b.** May damage an Open Space Area or an amenity in an Open Space Area; and
- **c.** Amounts to Disorderly Conduct.

8.11 No Person shall disobey a sign placed in an Open Space Area.

8.12 No Person shall:

- **a.** Place a sign in an Open Space Area; or
- **b.** Place a Poster in an Open Space Area.

8.13 No Owner of a Sign shall:

- **a.** Fail to remove a Sign from an Open Space Area; or
- **b.** Failing to remove a Poster from an Open Space Area.

8.14 No Person shall fail to comply with the direction of a Peace Officer to remove a Sign or Poster from an Open Space Area.

8.15 A Peace Officer or City Employee may remove any Sign located on a Highway within the City without notice to the Owner of the Sign.

8.16 A Peace Officer or City Employee may immediately dispose of any Sign or Poster removed under Section 8.15.

8.17 No liability lies against a Peace Officer or City Employee who exercises their authority under Section 8.15.

9. ALCOHOL CONSUMPTION IN OPEN SPACE AREAS

9.1 The consumption of alcohol in an Open Space Area is only permitted at designated picnic areas. These areas will be designated by a sign.

9.2 Any alcohol consumption in these designated areas is limited to beer, cider, coolers, liqueurs and similar type products, or wine. The consumption of any Spirits is prohibited in an Open Space Area.

9.3 The consumption of alcohol in these designated areas is only permitted between 11:00 a.m. and 10:00 p.m. daily.

9.4 The City of Chestermere permits the use of these designated alcohol consumption spaces year-round.

9.5 No Person shall carry, convey or transport any open alcohol or be in possession of any open alcohol container in an Open Space Area.

9.6 Despite Section 9.5, a person may carry, convey or transport open liquor in an Open Space Area when within a designated picnic area, or within 4ft from the designated alcohol consumption seating area.

9.7 No Person shall continue to consume alcohol in an Open Space Area, after being ordered to cease by a Peace Officer.

9.8 Reservations are only available for private functions.

9.9 No person shall be in possession of a glass container in any Open Space Area.

9.10 Despite Section 9.9, a person may possess a glass container in an Open Space Area if the person can demonstrate to the satisfaction of a Peace Officer that the glass container is designed and intended to be reusable in nature.

9.11 Where a glass container in the possession of a person breaks or shatters, no person shall fail to substantively remove the broken glass from an Open Space Area.

9.12 No Person shall be in possession of alcohol in an Open Space Area during a City-operated event outside of an area where alcohol consumption is permitted.

9.13 No Person shall be in possession of alcohol at Anniversary Park or Cove Beach.

10. FIRE AND FIRE PITS

10.1 No Person who builds, ignites or allows a fire shall leave that fire unsupervised at any time.

10.2 No Person shall burn, at any time, the following materials:

- **a.** animal carcass or part thereof;
- **b.** animal manure or feces;
- **c.** brush, leaves, or yard waste;
- **d.** combustible materials in automobile bodies;
- **e.** garbage;
- **f.** lumber products containing glue or resin;
- **g.** pathological waste;
- **h.** plastic, rubber, or tires;
- **i.** treated or painted lumber;
- **j.** used oil;
- **k.** waste material from building or construction sites excluding wooden material that does not contain wood preservatives; or
- **l.** wet or unseasoned wood.

10.3 A Person may build, ignite, or allow a fire on a Premises in a Fire Pit so long as that Person ensures that the fire is contained in a Fire Pit that:

- **a.** is constructed of non-combustible material;
- **b.** has an open flame area that does not exceed 1 metre at its widest point;
- **c.** despite 10.3 (c) any premises zoned Large Lot Rural Residential (LLR), Transitional Rural Residential (TRR), and Rural Residential (RR), pursuant to Bylaw #020-24, the Land Use Bylaw (LUB) may have a fire pit not exceeding 1.5 metres at its widest point;
- **d.** does not have walls which exceed 0.75 metres in height measured from the floor of the Fire Pit to the top of the wall of the Fire Pit excluding, any chimney;

e. is set upon or built into the bare ground with a non-combustible base such as cement or gravel, or a non-combustible material such as brick or stone;

f. is situated at least 3 metres from any house, garage, or similar structure including wooden fences, decks, porches, and similar amenity space attached to a structure measured from the part of the Fire Pit which is closest to the structure or amenity space;

g. is situated at least 3 metres from any other combustible material measured from the part of the Fire Pit which is closest to the combustible material; and

h. is not located directly under any tree or overhanging branches.

10.4 A Person may build, ignite, or allow a fire in a Portable Fire Receptacle on a wooden deck so long as that Person ensures that:

a. a non-combustible material such as brick or stone is placed between the Portable Fire Receptacle and the wooden deck; and

b. the Portable Fire Receptacle is situated at least 3 metres from any house, garage, similar structure, or other combustible material, measured from the part of the receptacle which is closest to the structure or combustible material.

10.5 Propane fire tables are allowed provided they are meet *CSA (Canadian Standards Agency)* standards for safety, and;

a. the use of these items must follow the manufacturer's suggested minimum clearance from combustible items, both vertically and horizontally;

b. if documentation from the manufacturer is not available the minimum distance from combustibles allowed by the fire department will be 1.5 metres measured horizontally from any outer edge of the Fire Pit to any combustible item, and 2.5 metres measured vertically from the burner of the device to any combustible item;

c. the Owner of the residence where these items are being used is responsible to provide documentation from the manufacturer showing the minimum clearances from combustibles to fire crews if requested;

d. if documentation is not provided, or the minimum clearance distance cannot be achieved, the fire table or device must be extinguished and not used in that location for safety reasons; and

e. no fire table or device will be permitted to be fueled by anything larger than a 20-pound propane bottle.

10.6 Every Person who builds, ignites, or allows a fire in a Fire Pit or Portable Fire Receptacle must ensure that:

- **a.** a means of extinguishing the fire is always kept on hand while the fire is burning;
- **b.** the flames from the fire do not exceed 1 metre in height at any time;
- **c.** the fire is not left unsupervised at any time; and
- **d.** the fire is extinguished completely, leaving only cold ashes, prior to leaving the fire.

10.7 If, in the opinion of a Peace Officer or an Officer of the Fire Department, a fire poses a danger or does not comply with the requirements of this Bylaw, that Peace Officer or Officer of the Fire Department may extinguish the fire and take any other steps that Peace Officer or Officer of the Fire Department deems necessary to ensure that the fire and site of the fire no longer pose a danger or contravene the requirements of this Bylaw.

11. FIRE BANS

11.1 Despite any provision in this or any other Bylaw, the City's Fire Chief or his designate may declare a fire advisory, a fire restriction, or a fire ban of any burning of any kind in the City.

11.2 No Person shall ignite a fire during a fire ban.

11.3 No Owner of a Premises shall fail to prevent the ignition of a fire on that Premises during a fire ban.

11.4 No Person, having ignited a fire during a fire restriction, shall fail to comply with restrictions imposed on fires during the fire restriction.

11.5 No Owner of a Premises, on which a fire has been ignited during a fire restriction, shall fail to comply with restrictions imposed on fires during the fire restriction.

11.6 An Officer of the Fire Department or a Peace Officer may demand a Person extinguish any fire when a fire ban is in place, or any fire found to be contravening a fire restriction.

11.7 No Person shall fail to comply with a demand from an Officer of the Fire Department or a Peace Officer to extinguish a fire during a fire ban or found not complying with a fire restriction.

11.8 An Officer of the Fire Department or a Peace Officer shall be authorized to extinguish any fire found during a fire ban or found to be in contravention of a fire restriction.

11.9 It is the responsibility of any Person intending to burn an outdoor fire within the City to first determine that a fire ban or fire restriction has not been declared pursuant to Section 11.1, of this Bylaw, prior to igniting any kind of outdoor fire.

12. OBSTRUCTION OF HYDRANTS

12.1 No Owner of a Premises shall permit access to a fire hydrant located on or adjacent to that Premises to be obstructed in any manner.

12.2 No Owner of a parcel of land or Premises shall permit anything on the Premises to Obstruct the operation of a fire hydrant located on or adjacent to that Premises.

12.3 No Owner of a Premises on which a fire hydrant is located on or adjacent to shall:

- **a.** fail to maintain a 2-metre clearance on each side of a fire hydrant and a 1-metre clearance on the side of a fire hydrant farthest from the nearest adjacent street;
- **b.** permit anything to be constructed, erected, or placed within the clearance provided in Subsection 12.3(a); and
- **c.** permit anything except grass, gravel, or a hard surface to be within the clearance area set out in Subsection 12.3(a).

13. FIREWORKS

13.1 No Person shall purchase, sell, offer for sale, give away, possess, handle, or discharge, fireworks within the boundaries of the City.

13.2 Despite Section 13.1, a person may possess, handle or discharge fireworks as permitted by the City Fire Chief or their designate. The authorization shall be in the form of a fireworks permit or a pyrotechnics permit signed by the applicant and the Fire Chief or their designate.

13.3 No Owner or Occupant of a Premises shall fail to prevent the discharge of fireworks from that Premises or from any structure on that Premises.

13.4 No driver of a motor Vehicle shall discharge fireworks from a Vehicle.

13.5 No Occupant of a motor Vehicle shall discharge fireworks from a Vehicle.

13.6 No owner of a motor Vehicle shall fail to prevent the discharge of fireworks from a Vehicle.

14. FIREARMS

14.1 No Person shall discharge any Firearm within the boundaries of the City.

14.2 This Section shall not apply to a Peace Officer or other law enforcement officers who are permitted to use Firearms to carry out the duties of their lawful occupations.

14.3 This Section shall not apply to the discharge of a Firearm at a site or place where problem wildlife or domestic animals are present and being hunted by a Peace Officer, or to an individual who has been given authority pursuant to a *Damage Control License* under the *Wildlife Act, R.S.A. 2000, c. W-10,* as amended from time to time, issued for such purpose by the Department of the Alberta Provincial Government responsible for the management of wildlife within the Province.

14.4 Despite the above noted Sections, the CAO may authorize the discharge of Firearms for animal control purposes, special events, or within the range facilities of a gun club or similar organizations.

14.5 An authorization under Section 14.4, shall be in writing and may be in the form of a specific authorization or an annual permit for a specified location, event, or activity.

14.6 An authorization may be granted, with or without conditions, where, having regard to the circumstances and location of the discharge activity, it is deemed, in the absolute discretion of the CAO, to be in the public interest.

15. NOISE ABATEMENT

15.1 No Person shall in either the Daytime or the Nighttime:

- **a.** make, continue, cause, or allow to be made or continued any excessive, unnecessary, or unusual Noise of any type;
- **b.** operate, allow, or permit the operation of a Speaker System of any type at an unnecessarily loud volume, thereby creating excessive Noise; or
- **c.** operate, allow, or permit the operation of a Signaling Device in a Residential District.

15.2 No Owner or Occupant of a Premises shall fail to prevent any excessive, unnecessary, or unusual Noise of any type from that Premises.

15.3 In determining what constitutes excessive, unnecessary, or unusual Noise consideration may be given to, but not limited to:

- **a.** the type, volume, and duration of sound;
- **b.** time of day, and day of the week; and
- **c.** the nature and use of the surrounding area.

15.4 No Person shall operate a Motorized Power Tool during the Nighttime.

15.5 No Person shall operate a Motorized Power Tool causing excessive Noise

15.6 No Person shall operate Construction Equipment during the Nighttime.

15.7 No Person shall Carry on, allow or permit the Carrying on of construction that can be heard beyond the boundary of the construction site during the Nighttime.

15.8 The CAO has the authority to approve a temporary permit that allows for louder Noise or extended hours beyond what is normally permitted under this Bylaw.

15.9 A Person may make an application for a permit pursuant to Section 15.8 by providing the CAO with the following information pertaining to the work or activity for which the allowance is sought a minimum of 5 business days prior to the proposed activity:

- **a.** the name, address, and telephone number of the applicant;
- **b.** the address of the site;
- **c.** a description of the source(s) of Noise;
- **d.** the period that the allowance is desired; and
- **e.** the applicant's reason(s) of why the allowance should be granted.

15.10 The CAO may in their sole discretion:

- **a.** issue a temporary permit to the applicant;
- **b.** deny a temporary permit to the applicant;
- **c.** issue a temporary permit with specific conditions; or
- **d.** revoke a temporary permit.

15.11 Where the CAO issues, denies, issues subject to conditions, or revokes a temporary permit pursuant to Section 15.10, the CAO shall, as soon as reasonably practicable, notify Council of the issuance, denial, issuance subject to conditions, or revocation of a temporary permit and the circumstances thereof.

15.12 The provisions of this Section shall not apply to:

- **a.** emergency Vehicles;
- **b.** work performed in relation to a highway or public utility by the Owner or operator of the public utility, or its contractors;
- **b.** any activity within the sole jurisdiction of the Government of Canada or the Province of Alberta;
- **c.** railway related activities;
- **d.** a snow clearing device powered by an engine for the purpose of commercial, industrial, or institutional removal of snow and ice from streets, parking lots, and sidewalks; and
- **e.** any activity carried on by the City or its Employees, contractors, and any other individual(s) carrying out authorized City business.

16. GRAPHIC FLYERS

16.1 No Person shall Deliver or participate in the Delivery of a Graphic Image(s) to any Premise(s).

16.2 Despite Section 16.1, a Person may participate in the Delivery of a graphic Flyer where:

- **a.** the Graphic Image is concealed in a sealed opaque envelope;
- **b.** the exterior of the envelope contains the following legible warning; "Contains a Graphic Image that may be offensive or disturbing"; and
- **c.** the exterior of the envelope clearly identifies the sender and the sender's address.

16.3 This Bylaw does not apply to:

- **a.** mail that is Delivered to the Premise(s) by Canada Post; and
- **b.** material that is Delivered to the Premise(s) at the request of the occupant.

17. REMEDIAL ORDERS

17.1 A Remedial Order may be issued to order compliance with the provisions of this Bylaw.

17.2 Every Remedial Order written with respect to this Bylaw shall:

- **a.** indicate the Person to whom it is directed;
- **b.** identify the property to which the Remedial Order relates by municipal address or legal description, if relevant;
- **c.** identify the date that it is issued;
- **d.** identify how the Person or Premises fails to comply with this or another Bylaw;
- **e.** identify the specific provisions of the Bylaw the Person or Premises contravenes;
- **f.** identify the nature of the remedial action required to be taken to bring the Person or Premises into compliance;
- **g.** identify the time within which the remedial action must be completed;
- **h.** Indicate that if the required remedial action is not completed within the time specified, the City may take whatever action or measures are necessary to remedy the contravention;
- **i.** indicate that the expenses and costs of any action or measures taken by the City under this Section are an amount owing to the City by the Person to whom the Remedial Order is directed;
- **j.** indicate that the expenses and costs referred to in this Section may be attached to the tax roll of the property if such costs are not paid by a specified time;
- **k.** indicate that a Person to whom a Remedial Order is directed may seek a review of the order by filing a request for review in writing with the City in accordance with Section 547 of the *Municipal Government Act, RSA 2000, c M-26;* and
- **l.** A Remedial Order written pursuant to this Bylaw shall be served on the Owner by:
  - **I.** delivering the Remedial Order personally to the Owner of the Premises to which it relates;
  - **II.** leaving the Remedial Order for the Owner at the Premises with a Person who appears to be at least 18 years of age;
  - **III.** posting the Remedial Order in a conspicuous place on the Premises to which the Remedial Order relates, or on the private dwelling place of the Owner of the Premises, as registered at the Land Titles Office or on the municipal tax roll for the Premises. The Remedial Order shall be deemed to be served upon the expiry of 3 days after the Remedial Order is posted;
  - **IV.** sending the Remedial Order registered mail to the last known address of the Owner, and the Remedial Order shall be deemed to be served upon confirmation of receipt of the registered mail; or

V. sending the Remedial Order regular mail to the last known address of the Owner, and the Remedial Order shall be deemed to be served 7 days after the date of mailing.

17.3 No Person shall fail to comply with a Remedial Order issued by the Chief Administrative Officer, the Director of Community Operations, their designates, or a Peace Officer pursuant to this Bylaw.

18. APPEAL OF REMEDIAL ORDERS

18.1 A Person to whom a Remedial Order is directed may seek a review of the order by filing a request for review in writing with the City in accordance with Section 547 of the *Municipal Government Act, RSA 2000, c M-26* and paying a $100.00 Administrative fee.

18.2 A review requested pursuant to this Section must state the name of the appellant, the municipal address of the property to which the remedial order being appealed from relates, a daytime telephone contact number at which the appellant may be reached, and an address at which documents in relation to the appeal may be Delivered.

18.3 Upon review of the order, Council may confirm, vary, substitute, or cancel the Remedial Order.

18.4 Council may provide their decision verbally or in writing to the appellant.

18.5 If a decision is made in writing, the CAO may serve the decision to the appellant in the same manner as a Remedial Order in Section 18.3.

18.6 If a request for review of a Remedial Order is received after the applicable deadline, no review will be scheduled, and the appellant will be informed of such.

18.7 A Person to whom an order is issued pursuant to this Bylaw and who fails to comply with such Remedial Order or fails to comply within the time set out for compliance within that Remedial Order is guilty of an offence.

19. INSPECTIONS

19.1 A Peace Officer may, for the purpose of ensuring that the provisions of this Bylaw are being complied with, enter in or upon any property, in accordance with Section 542 of the *Municipal Government Act, RSA 2000, c M-26*, to carry out an inspection, enforcement, or other action required or authorized by this Bylaw, the *Municipal Government Act, RSA 2000, c M-26*, or any other applicable statute.

19.2 A Peace Officer shall provide the Owner of the property with 24 hours' notice when exercising their authority to enter onto property for inspection or enforcement. This shall be deemed reasonable notice as required by the *Municipal Government Act, RSA 2000, c M-26.*

19.3 No Person shall Obstruct a Peace Officer investigating a complaint made under or exercising their authority pursuant to this Bylaw.

19.4 No Person shall Obstruct work crews acting under the direction of a Peace Officer pursuant to this Bylaw.

20. PENALITIES

20.1 Any Person who contravenes any of the provisions of this Bylaw by doing any act or thing which the Person is prohibited from doing is guilty of an offence.

20.2 Any Person who is convicted of an offence pursuant to this Bylaw is liable on summary conviction to a fine not exceeding $10,000.00.

20.3 Where there is a specified penalty listed for an offence in Schedule "A" of this Bylaw, that amount is the specified penalty for the offence.

20.4 Where there is a minimum penalty listed for an offence in Schedule "A" of this Bylaw, that amount is the minimum penalty for the offence.

20.5 If a Person is convicted twice of the same provision of this Bylaw within a 24-month period, the minimum penalty for the 2nd conviction within a 24-month period shall be twice the amount of the specified penalty found in Schedule "A".

20.6 If a Person is convicted a 3rd time of the same provision of this Bylaw within a 24-month period, the minimum penalty for the third conviction within a 24-month period shall be three times the amount of the specified penalty found in Schedule "A" but not more than $10,000.00 dollars.

20.7 No Person shall fail to comply with or fail to do anything that a Person is required to do pursuant to the provisions of this Bylaw.

21. VIOLATION TICKETS

21.1 Where a Peace Officer believes that a Person has contravened any provision of this Bylaw, they may commence proceedings by issuing a violation ticket in accordance with the *Provincial Offences Procedure Act, R.S.A. 2000, c. P-34.*

21.2 This Section shall not prevent any Officer from issuing a violation ticket requiring the court appearance of the defendant, pursuant to the provisions of the *Provincial Offences Procedure Act, R.S.A. 2000, c. P-34,* or from relaying information instead of issuing a violation ticket.

22. INVESTIGATION OF COMPLAINTS

22.1 A Peace Officer may, at their discretion, refuse to investigate or take any action on a complaint if the Officer reasonably believes that:

- **a.** the complaint is frivolous, vexatious, without merit or not in the public interest;
- **b.** the complaint falls outside the scope of this Bylaw;
- **c.** the complaint is not supported by evidence or information; or
- **d.** the complaint is more appropriately dealt with by another authority or agency.

22.2 A Peace Officer who refuses to investigate or take any action on a complaint under this Section shall not be held liable for any damages or losses arising from the refusal, unless appealed, unless otherwise provided by law.

22.3 Nothing in this Section shall limit or affect the right of any Person to seek redress or relief through any other legal or administrative process.

23. SEVERABILITY

23.1 If any Section or parts of this Bylaw are found in any court of law to be illegal or beyond the power of Council to enact, such Section or parts shall be deemed to be severable and all other Section or parts of this Bylaw shall be deemed to be separate and independent there from and to be enacted as such.

23.2 This Bylaw shall come into full force and effect upon the date of the third and final reading.

23.3 Bylaw #003-25, being the Community Standards Bylaw, is hereby repealed.

READ A FIRST TIME: May 12, 2026
READ A SECOND TIME: May 12, 2026
READ A THIRD TIME: May 12, 2026

RESOLUTION NUMBERS:
250512-23
250512-24
250512-26

Mayor, Shannon Dean

Chief Administrative Officer, Kent Edney

SCHEDULE "A"

Section	Offence	Minimum Penalty	Specified Penalty
4.1(a)	Littering	$100.00	$200.00
4.1(b)	Litter from a Vehicle	$100.00	$200.00
4.1(c)	Dispose of burning material	$250.00	$500.00
4.2	Owner of a Vehicle liable for Litter	$250.00	$500.00
4.4	Urinate/deposit human waste in public	$250.00	$500.00
4.5	Spitting	$100.00	$200.00
4.6	Place/deposit pamphlets on Vehicles	$100.00	$200.00
4.7	Place a Sign on pole	$100.00	$200.00
5.1	Fighting	$250.00	$500.00
5.2	Unlawful assembly	$100.00	$200.00
5.4	Failure to disperse from unlawful assembly on demand of Peace Officer	$200.00	$400.00
5.5	Loiter and Obstruct	$100.00	$200.00
5.6	Disorderly Conduct	$250.00	$500.00
5.9	Failure to cease Disorderly Conduct on demand of Peace Officer	$250.00	$500.00
5.11	Failure to leave Open Space Area on demand of Peace Officer	$250.00	$500.00
5.12	Operate a Vehicle on an ice surface	$125.00	$250.00
5.13	Obstruct City Employee	$250.00	$500.00
6.1	Prohibited Panhandling	$100.00	$200.00
7.1	Apply Graffiti	$2000.00	$5000.00
7.2	Failure to remove/block Graffiti	$100.00	$200.00
8.2	Occupy Open Space Area when closed	$100.00	$200.00
8.4	Failure to leave Open Space Area on demand of Peace Officer	$250.00	$500.00
8.5(a)	Camp or erect a tent in an Open Space Area	$100.00	$200.00
8.5(b)	Build/erect a structure in an Open Space Area	$100.00	$200.00
8.6	Unauthorized fire in an Open Space Area	$250.00	$500.00

8.8	Launch Boat/personalized watercraft from an Open Space Area	$100.00	$200.00
8.10(a)	Injuring a user in an Open Space Area	$500.00	$1000.00
8.10(b)	Damage to an Open Space Area or amenity in an Open Space Area	$500.00	$1000.00
8.10(c)	Disorderly Conduct in Open Space Area	$250.00	$500.00
8.11	Disobey any Sign in an Open Space Area	$100.00	$200.00
8.12 (a)	Place a Sign in an Open Space Area	$150.00	$300.00
8.12 (b)	Place a Poster in Open Space Area	$100.00	$200.00
8.13 (a)	Owner of a Sign failing to remove Sign	$150.00	$300.00
8.13 (b)	Owner of a Poster failing to remove Poster	$100.00	$200.00
8.14	Failure to comply with directions from Peace Officer	$250.00	$500.00
9.1	Alcohol consumption outside of designated picnic area	$200.00	$300.00
9.3	Alcohol consumption outside of designated hours	$200.00	$300.00
9.5	Open container	$200.00	$300.00
9.7	Consume alcohol after being ordered to cease by Peace Officer	$200.00	$300.00
9.9	Possession of glass containers in Open Space Area	$200.00	$300.00
9.11	Failure to remove broken glass from glass containers from Open Space Area	$200.00	$300.00
9.12	Possession of alcohol in Open Space Area at City-operated event	$200.00	$300.00
9.13	Possession of alcohol at Cove Beach/Anniversary Park	$200.00	$300.00
10.1	Unsupervised Fire	$250.00	$500.00
11.2	Fire during a Fire ban	$1250.00	$2500.00
11.3	Owner of Premises fails to prevent ignition of fire during fire ban	$1250.00	$2500.00
11.4	Person fails to comply with fire a restriction	$750.00	$1500.00

11.5	Owner of Premises fails to comply with Fire restriction	$750.00	$1500.00
11.7	Failure to comply with demand during Fire ban	$2500.00	$5000.00
12.1	Permit obstruction of Hydrant	$250.00	$500.00
12.2	Permit Premises to Obstruct operation of Fire hydrant	$250.00	$500.00
12.3	Failure to maintain clearance around fire hydrant	$250.00	$500.00
13.1	Discharge, give away, handle, sell, offer for sale, possess, or purchase fireworks	$1250.00	$2500.00
13.3	Owner of a Premise fails to prevent discharge of fireworks from Premises/structure	$1250.00	$2500.00
13.4	Driver of Vehicle discharge fireworks from Vehicle	$1250.00	$2500.00
13.5	Occupant of Vehicle discharge fireworks from Vehicle	$1250.00	$2500.00
13.6	Owner of a Vehicle fails to prevent discharge of fireworks from Vehicle	$1250.00	$2500.00
14.1	Discharge a Firearm within City limits	$2500.00	$5000.00
15.1(a)	Make excessive noise	$125.00	$250.00
15.1(b)	Permit/allow/operate speaker system causing excessive noise	$125.00	$250.00
15.1(c)	Permit/allow/operate signaling device in a residential district	$125.00	$250.00
15.2	Owner/occupant of Premises fails to prevent excessive, unnecessary, or unusual, Noise from Premises	$125.00	$250.00
15.4	Operating a power tool during Nighttime	$125.00	$250.00
15.5	Operate a power tool causing excessive noise	$125.00	$250.00
15.6	Operate Construction Equipment at Nighttime	$250.00	$500.00
15.7	Construction noise at Nighttime	$250.00	$500.00
16.1	Deliver or participate in the Delivery of a Graphic Image	$500.00	$1000.00
17.3	Failure to comply with remedial order	$1500.00	$2500.00

19.3	Obstruction of a Peace Officer	$500.00	$1000.00
19.4	Obstruction of work crews under a Peace Officer direction	$500.00	$1000.00
20.1	Contravene a provision of this Bylaw	$50.00	$100.00